

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN MEZZALINGUA ASSOCIATES, INC.
D/B/A PPC

Plaintiff,

v.

GLOBAL SOURCING SOLUTIONS & COMMERCE LLC
D/B/A SADOUN SATELLITE SALES, INTEGRATED NETWORK
CABLE, INC. D/B/A SHOWMECABLES, MENAGE
AUTOMATION, INC. D/B/A HOMETECH SOLUTIONS,
SKYWALKER COMMUNICATIONS, INC.,
CABLEWHOLESALE.COM, INC., D/B/A NATIONAL
TECHNOLOGY, SMARTLABS, INC. D/B/A SMARTHOME, INC.,
WIRED COMMUNICATIONS, INC., MONOPRICE, INC.,
KENNETH THIBAULT D/B/A AV-OUTLET, ARIZA
TECHNOLOGY, INC., ZHEHANG CIXI WINSHOW EQUIPMENT
CO., LTD., HANGZHOU PREVAIL OPTOELECTRONIC
EQUIPMENT CO., LTD., HANJIANG FEIYU ELECTRONICS
EQUIPMENT FACTORY, ULTRALINK/XLO PRODUCTS, INC.,
VANCO INTERNATIONAL, LLC, STEREN ELECTRONICS
INTERNATIONAL, LLC, ZHEJIANG TIANJIE INDUSTRIAL
COMPANY, LTD., STRUCTURED CABLE PRODUCTS, INC.,
INTERMARK INDUSTRIES, INC., COMMUNICATIONS
SYSTEMS, INC. D/B/A SUTTLE APPARATUS, AND EDALI
INDUSTRIAL CORPORATION

CIVIL ACTION NO.:
5:10-CV-1162 (NAM/DEP)

Defendants.

**DEFENDANT VANCO INTERNATIONAL, LLC'S ANSWER, DEFENSES &
COUNTERCLAIMS TO THE COMPLAINT**

Defendant, Vanco International, LLC (hereinafter "Vanco") hereby sets forth its Answer, Defenses, and Counterclaims to the Complaint as follows:

ANSWER

Responding to the individually enumerated paragraphs of the Complaint, Vanco states as follows:

Nature of this Action

1. Admitted.

Parties

2. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 2, and therefore denies the same.

3. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 3, and therefore denies the same.

4. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 4, and therefore denies the same.

5. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 5, and therefore denies the same.

6. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 6, and therefore denies the same.

7. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 7, and therefore denies the same.

8. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 8, and therefore denies the same.

9. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 9, and therefore denies the same.

10. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 10, and therefore denies the same.

11. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 11, and therefore denies the same.

12. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 12, and therefore denies the same.

13. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 13, and therefore denies the same.

14. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 14, and therefore denies the same.

15. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 15, and therefore denies the same.

16. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 16, and therefore denies the same.

17. Admitted.

18. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18, and therefore denies the same.

19. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19, and therefore denies the same.

20. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20, and therefore denies the same.

21. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21, and therefore denies the same.

22. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22, and therefore denies the same.

23. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23, and therefore denies the same.

Jurisdiction and Venue

24. Admitted.

25. Vanco admits that Vanco sells and offers to sell in the United States and in the Northern District of State of New York coax cable compression connectors, and that this Court has personal jurisdiction over Vanco; but upon information and belief, Vanco denies that the end

connectors sole by Vanco infringe any claims of U.S. Patents 5,470,257; 6,558,194; 6,848,940 and D519,076. Vanco denies the remaining averments of paragraph 25 of the complaint.

26. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 26 concerning proper venue of each of the Defendants, and therefore denies the same.

The PPC Patents-in-Suit

27. Vanco denies that U.S. Patent 5,470,257 issued to PPC. Vanco admits the remaining averments of Paragraph 27 of the Complaint.

28. Vanco denies that U.S. Patent 6,558,194 issued to PPC. Vanco admits the remaining averments of Paragraph 28 of the Complaint.

29. Vanco denies that U.S. Patent 6,848,940 issued to PPC. Vanco admits the remaining averments of Paragraph 29 of the Complaint.

30. Vanco denies that U.S. Patent D519,076 issued to PPC. Vanco admits the remaining averments of Paragraph 30 of the Complaint.

31. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 31, and therefore denies the same.

32. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 32, and therefore denies the same.

Count 1

(Alleged Patent Infringement of U.S. Patent No. 5,470,257)

33. Vanco incorporates by reference Paragraphs 1-32 above herein, and to the extent not otherwise addressed, denies all remaining allegations of Paragraph 33 of the Complaint.

34. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 34, and therefore denies the same.

35. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 35, and therefore denies the same.

36. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 36 and therefore denies the same

37. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 37, and therefore denies the same.

38. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 38, and therefore denies the same.

39. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 39, and therefore denies the same.

40. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 40, and therefore denies the same.

41. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 41, and therefore denies the same.

42. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 42, and therefore denies the same.

43. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 43, and therefore denies the same.

44. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 44, and therefore denies the same.

45. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 45, and therefore denies the same.

46. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 46, and therefore denies the same.

47. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 47, and therefore denies the same.

48. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 48, and therefore denies the same.

49. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 49, and therefore denies the same.

50. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 50, and therefore denies the same.

51. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 51, and therefore denies the same.

Count 2

(Alleged Patent Infringement of U.S. Patent No. 6,558,194)

52. Vanco incorporates by reference Paragraphs 1-51 above herein, and to the extent not otherwise addressed, denies all remaining allegations of Paragraph 52 of the Complaint.

53. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 53, and therefore denies the same.

54. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 54, and therefore denies the same.

55. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 55, and therefore denies the same.

56. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 56, and therefore denies the same.

57. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 57, and therefore denies the same.

58. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 58, and therefore denies the same.

59. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 59, and therefore denies the same.

60. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 60, and therefore denies the same.

61. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 61, and therefore denies the same.

62. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 62, and therefore denies the same.

63. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 63, and therefore denies the same.

64. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 64, and therefore denies the same.

65. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 65, and therefore denies the same.

66. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 66, and therefore denies the same.

67. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 67, and therefore denies the same.

68. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 68, and therefore denies the same.

69. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 69, and therefore denies the same.

70. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 70, and therefore denies the same.

71. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 71, and therefore denies the same.

72. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 72, and therefore denies the same.

73. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 73, and therefore denies the same.

74. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 74, and therefore denies the same.

75. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 75, and therefore denies the same.

76. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 76, and therefore denies the same.

77. Vanco denies the allegations of Paragraph 77 of the Complaint.

78. Vanco denies the allegations of Paragraph 78 of the Complaint.

79. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 79, and therefore denies the same.

80. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 80, and therefore denies the same.

81. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 81, and therefore denies the same.

82. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 82, and therefore denies the same.

83. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 83, and therefore denies the same.

84. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 84, and therefore denies the same.

85. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 85, and therefore denies the same.

86. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 86, and therefore denies the same.

87. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 87, and therefore denies the same.

88. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 88, and therefore denies the same.

89. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 89, and therefore denies the same.

90. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 90, and therefore denies the same.

91. Vanco denies the allegations of Paragraph 91 of the Complaint.

92. Vanco denies the allegations of Paragraph 92 of the Complaint.

Count 3

(Alleged Patent Infringement of U.S. Patent No. 6,848,940)

93. Vanco incorporates by reference Paragraphs 1-92 above herein, and to the extent not otherwise addressed, denies all remaining allegations of Paragraph 93 of the Complaint.

94. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 94, and therefore denies the same.

95. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 95, and therefore denies the same.

96. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 96, and therefore denies the same.

97. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 97, and therefore denies the same.

98. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 98, and therefore denies the same.

99. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 99, and therefore denies the same.

100. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 100, and therefore denies the same.

101. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 101, and therefore denies the same.

102. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 102, and therefore denies the same.

103. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 103, and therefore denies the same.

104. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 104, and therefore denies the same.

105. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 105, and therefore denies the same.

106. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 106, and therefore denies the same.

107. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 107, and therefore denies the same.

108. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 108, and therefore denies the same.

109. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 109, and therefore denies the same.

110. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 110, and therefore denies the same.

111. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 111, and therefore denies the same.

112. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 112, and therefore denies the same.

113. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 113, and therefore denies the same.

114. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 114, and therefore denies the same.

115. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 115, and therefore denies the same.

116. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 116, and therefore denies the same.

117. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 117, and therefore denies the same.

118. Vanco denies the allegations of Paragraph 118 of the Complaint.

119. Vanco denies the allegations of Paragraph 119 of the Complaint.

120. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 120, and therefore denies the same.

121. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 121, and therefore denies the same.

122. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 122, and therefore denies the same.

123. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 123, and therefore denies the same.

124. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 124, and therefore denies the same.

125. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 125, and therefore denies the same.

126. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 126, and therefore denies the same.

127. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 127, and therefore denies the same.

128. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 128, and therefore denies the same.

129. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 129, and therefore denies the same.

130. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 130, and therefore denies the same.

131. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 131, and therefore denies the same.

132. Vanco denies the allegations of Paragraph 132 of the Complaint.

133. Vanco denies the allegations of Paragraph 133 of the Complaint.

Count 4

(Alleged Patent Infringement of U.S. Patent No. D519,076)

134. Vanco incorporates by reference Paragraphs 1-133 above herein, and to the extent not otherwise addressed, denies all remaining allegations of Paragraph 134 of the Complaint.

135. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 135, and therefore denies the same.

136. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 136, and therefore denies the same.

137. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 137, and therefore denies the same.

138. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 138, and therefore denies the same.

139. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 139, and therefore denies the same.

140. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 140, and therefore denies the same.

141. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 141, and therefore denies the same.

142. Vanco lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 142, and therefore denies the same.

Response to Plaintiff's Prayer for Relief

These paragraphs (A-L) set forth a statement of relief requested by Plaintiff, to which no response is required. Vanco denies that Plaintiff is entitled to any of the requested relief and denies any and all associated allegations contained therein.

Jury Demand

Vanco denies that Plaintiff is entitled to a trial by jury except as permitted by law.

DEFENSES

Vanco, as further and separate defenses to the Complaint and without assuming any burden it would not otherwise have, alleges, upon information and belief, the following defenses:

First Defense
(Failure to State a Claim)

143. Each and every one of Plaintiff's claims for relief and each and every one of its allegations fails to state a claim upon which any relief may be granted against Vanco.

Second Defense
(Non-Infringement)

144. Vanco has not and does not infringe, directly or indirectly (as a contributory infringer or inducer of infringement), any valid and enforceable claim of U.S. Patent Nos. 6,558,194 or 6,848,940 either literally, under the doctrine of equivalents, or otherwise.

Third Defense
(Invalidity)

145. Upon information and belief, each patent claim asserted against Vanco is invalid or void for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, and 112.

Fourth Defense
(Equitable Defenses)

146. Plaintiff's claims are barred, in whole or in part, pursuant to the doctrines of estoppel, unclean hands, laches, and/or waiver.

Fifth Defense
(Limitation on Damages and Costs)

147. Any claim for damages for infringement is limited by 35 U.S.C. § 287 to those alleged damages occurring after notice of infringement.

Sixth Defense
(No Exceptional Case)

148. Plaintiff cannot prove that this is an exceptional case justifying award of attorney's fees against Vanco pursuant to 35 U.S.C. § 285.

COUNTERCLAIMS

For its counterclaims against Plaintiff John Mezzalingua Associates, Inc., D/B/A PPC, Defendant-Counterclaimant Vanco alleges as follows:

149. These counterclaims arise under the Federal Declaratory Judgments Act, 28 U.S.C. §§ 2201 and 2202, and the patent laws of the United States, Title 35 U.S.C. § 271 et seq. An actual, substantial, and continuing justiciable controversy exists between Vanco and Plaintiff with respect to which Vanco requires a declaration of its rights by this Court. At present the controversy relates to the noninfringement and invalidity of U.S. Patent Nos 6,558,194 & 6,848,940, and Plaintiff's right to threaten and/or maintain a suit for infringement on the same. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202.

150. This Court has personal jurisdiction over Plaintiff because Plaintiff asserted its Complaint in this Court. Venue over this counterclaim is proper in this Court pursuant to 28 U.S.C. § 1391(b)-(c).

First Counterclaim: Declaratory Judgment of Noninfringement of the '194 Patent

151. Vanco realleges and incorporates by reference each of the preceding paragraphs of this Answer, Defenses, and Counterclaims.

152. This is a counterclaim for declaratory judgment of noninfringement of all claims of U.S. Patent No. 6,558,194 (hereinafter "the '194 patent").

153. Plaintiff alleges that Vanco directly infringes and indirectly infringes by way of inducing infringement and/or contributing to the infringement of the '194 patent in the State of New York, in this judicial district, and elsewhere in the United States by, among other things, making, offering for sale, and/or selling products that are covered by one or more claims of the '194 patent.

154. Vanco has not infringed and is not infringing, either directly or indirectly (as contributory and/or inducers of infringement), any claim of the '194 patent.

155. There is an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, between Vanco and Plaintiff as to whether Vanco infringes any valid claim of the '194 patent.

156. Vanco desires and requests a judicial determination and declaration of the respective rights and duties of the parties on the disputes recited in the paragraphs above. Such a determination and declaration are necessary and appropriate at this time so the parties may ascertain their respective rights and duties regarding the noninfringement of the '194 patent.

Second Counterclaim:
Declaratory Judgment of Noninfringement of the '940 Patent

157. Vanco realeges and incorporates by reference each of the preceding paragraphs of this Answer, Defenses, and Counterclaims.

158. This is a counterclaim for declaratory judgment of noninfringement of all claims of U.S. Patent No. 6,848,940 (hereinafter "the '940 patent").

159. Plaintiff alleges that Vanco directly infringes and indirectly infringes by way of inducing infringement and/or contributing to the infringement of the '940 patent in the State of New York, in this judicial district, and elsewhere in the United States by, among other things, making, offering for sale, and/or selling products that are covered by one or more claims of the '940 patent.

160. Vanco has not infringed and is not infringing, either directly or indirectly (as contributory and/or inducers of infringement), any claim of the '940 patent.

161. There is an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, between Vanco and Plaintiff as to whether Vanco infringes any valid claim of the '940 patent.

162. Vanco desires and requests a judicial determination and declaration of the respective rights and duties of the parties on the disputes recited in the paragraphs above.

Such a determination and declaration are necessary and appropriate at this time so the parties may ascertain their respective rights and duties regarding the noninfringement of the '940 patent.

**Third Counterclaim:
Declaratory Judgment of Invalidity of the '194 patent**

163. Vanco realleges and incorporates by reference each of the preceding paragraphs of this Answer, Defenses, and Counterclaims.

164. This is a counterclaim for declaratory judgment of invalidity of any and all claims of the '194 patent.

165. Upon information and belief, one or more claims of the '194 patent, as asserted against Vanco, is invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, and 112.

166. There is an actual controversy, with the meaning of 28 U.S.C. §§ 2201 and 2202, between Vanco and Plaintiff as to whether there exists any valid claim of the '194 patent.

167. Vanco desires and requests a judicial determination and declaration of the respective rights and duties of the parties on the disputes recited in the paragraphs above. Such a determination and declaration are necessary and appropriate at this time so the parties may ascertain their respective rights and duties regarding the invalidity of the '194 patent.

**Fourth Counterclaim:
Declaratory Judgment of Invalidity of the '940 patent**

168. Vanco realleges and incorporates by reference each of the preceding paragraphs of this Answer, Defenses, and Counterclaims.

169. This is a counterclaim for declaratory judgment of invalidity of any and all claims of the '940 patent.

170. Upon information and belief, one or more claims of the '940 patent, as asserted against Vanco, is invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, and 112.

171. There is an actual controversy, with the meaning of 28 U.S.C. §§ 2201 and 2202, between Vanco and Plaintiff as to whether there exists any valid claim of the '940 patent.

172. Vanco desires and requests a judicial determination and declaration of the respective rights and duties of the parties on the disputes recited in the paragraphs above. Such a determination and declaration are necessary and appropriate at this time so the parties may ascertain their respective rights and duties regarding the invalidity of the '940 patent.

PRAYER FOR RELIEF

Wherefore, Vanco prays that this Court enter judgment:

- (a) Dismissing Plaintiff's Complaint with prejudice;
- (b) Declaring U.S. Patent Nos. 6,558,194 & 6,848,940 invalid;
- (c) Declaring that Vanco has not infringed either of U.S. Patent Nos. 6,558,194 & 6,848,940;
- (d) Declaring this an exceptional case under 35 U.S.C. § 285 justifying the award of costs and fees against Plaintiff;
- (e) Awarding Vanco its costs in this action and its reasonable attorney's fees; and
- (f) Awarding Vanco such further necessary and proper relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Defendant Vanco demands a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

DATED: December 13, 2010

George M. Thomas (*to be admitted pro hac vice*)

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N. Andrew Crain (*to be admitted pro hac vice*)

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Attorneys for Defendant-Counterclaimant

Vanco International, LLC.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN MEZZALINGUA ASSOCIATES, INC.
D/B/A PPC

Plaintiff,

v.

GLOBAL SOURCING SOLUTIONS & COMMERCE LLC
D/B/A SADOUN SATELLITE SALES, INTEGRATED NETWORK
CABLE, INC. D/B/A SHOWMECABLES, MENAGE
AUTOMATION, INC. D/B/A HOMETECH SOLUTIONS,
SKYWALKER COMMUNICATIONS, INC.,
CABLEWHOLESALE.COM, INC., D/B/A NATIONAL
TECHNOLOGY, SMARTLABS, INC. D/B/A SMARTHOME, INC.,
WIRED COMMUNICATIONS, INC., MONOPRICE, INC.,
KENNETH THIBAULT D/B/A AV-OUTLET, ARIZA
TECHNOLOGY, INC., ZHEHANG CIXI WINSHOW EQUIPMENT
CO., LTD., HANGZHOU PREVAIL OPTOELECTRONIC
EQUIPMENT CO., LTD., HANJIANG FEIYU ELECTRONICS
EQUIPMENT FACTORY, ULTRALINK/XLO PRODUCTS, INC.,
VANCO INTERNATIONAL, LLC, STEREN ELECTRONICS
INTERNATIONAL, LLC, ZHEJIANG TIANJIE INDUSTRIAL
COMPANY, LTD., STRUCTURED CABLE PRODUCTS, INC.,
INTERMARK INDUSTRIES, INC., COMMUNICATIONS
SYSTEMS, INC. D/B/A SUTTLE APPARATUS, AND EDALI
INDUSTRIAL CORPORATION

Defendants.

CIVIL ACTION NO.:
5:10-CV-1162 (NAM/DEP)

CERTIFICATE OF SERVICE

I certify that on December 13, 2010, I electronically filed the foregoing DEFENDANT
VANCO INTERNATIONAL, LLC'S ANSWER, DEFENSES & COUNTERCLAIMS TO THE
COMPLAINT with the Clerk of the District Court using the CM/ECF system, which sent
notification of such filing to: James R. Muldoon; Denis J. Sullivan; and Thomas Hoehner.

/s/ Mark R. Knuckles
Mark R. Knuckles
Attorney for Vanco International, LLC.